

REMARKS

Claim 22 is pending.

The Office Action rejected claim 22 under 35 U.S.C. §101, because the claimed invention is allegedly directed to non-statutory subject matter. The rejection is respectfully traversed.

The Examiner stated that:

Because [] claim 22 is obtaining a number multiply[ing] it with another value, at the end divide the result with another number[, t]he claim does not have a practical application of the §101 judicial exception: the claimed invention “transforms” numbers to a different state or thing. The claimed invention does not produce a useful, concrete and tangible result.

However, independent claim 22 recites a confidence measure extraction method of a dominant color of an image region. The claimed confidence measure extraction method is capable of extracting a confidence measure of a dominant color of an image region. The confidence measure can then be utilized as a confidence measure for the dominant color of an image region in a descriptive search method, for example. Further, claim 22 does not merely recite obtaining a number then multiplying it by another value and then dividing the result with another number.

Rather, independent claim 22 recites obtaining a number of color pixels corresponding to each dominant color and a coherent value corresponding to each dominant color. Claim 22 further recites multiplying the coherence value by a value corresponding to the number of color pixels with respect to each dominant color, adding the multiplied values with respect to all the region dominant colors, and dividing the thusly added multiplied values by a region size and extracting a confidence value with respect to the image region. As set forth above, this confidence value

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reflects a confidence of the dominant color information for the image region. Thus, the claimed subject matter of independent claim 22 does produce a useful, concrete, and tangible result. Accordingly, the rejection of independent claim 22 under 35 U.S.C. §101 should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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